## 1. **DEFINITIONS**

In this by-law, unless inconsistent with the context -

"accommodation establishment" (verblyfsonderneming) means a building, excluding a hotel, hostel or guest house, which consists of a number of rooms individually let or occupied in a manner other than provided for in section 10.2.2.(f);

"additional dwelling unit" (addisionele wooneenheid) means a dwelling unit which is erected on an erf zoned agriculture or single residential and on which a dwelling house already exists or is in the process of being erected; provided that the dwelling unit -

- (i) can be attached to or seperate from the dwelling house;
- (ii) must in the opinion of the Council be able to function totally independent of the dwelling house; and
- (iii) must be physically shut off or be able to be shut off from the dwelling house:

"agricultural building" (landbougebou) means any building or structure normally erected and used in connection with the farming operations on a farm, and includes a dwelling house and accommodation for employees;

"agricultural land" (landbougrond) means land used for farming purposes, including forestry;

"basement storey" (kelderverdieping) means any storey with a floor level at least 2 m lower than the average level of the land around the building;

"block of flats" (woonstelblok) means a building which consists of a complex of flats;

"building line" (boulyn) means the distance from an erf boundary within which no building or structure may be erected, excluding a boundary wall, pergola or fence:

"common boundary" (gemeenskaplike grens) means every boundary of an erf excluding a street boundary;

"Council" (Raad) means the Council of the Municipality of Stellenbosch;

"coverage" (dekking) means the percentage of the area of an erf which may be covered by buildings or structures under a roof, measured from the outer surface of outside walls, but excluding an eave projection of 75 cm, or such other greater projection as the Council may approve in exceptional cases for the sake of good architecture;

"day-care centre" (dagsorgsentrum) means any building or site which is maintained or is used, whether for profit or otherwise, for the reception, protection and temporary or partial care of children away from their parents, but does not include a hostel, institution or an educational institution:

"duplex building" (dupleksgebou) means a building of two storeys above ground level with a number of residential units, each of which also is two-storeyed and has its own entrance from the street;

"dwelling" or "dwelling house" (woning of woonhuis) means a single residential unit on one erf;

"dwelling unit" (wooneenheid) means a self-contained interleading complex of rooms utilised or intended to be utilised as complete residence and accommodation for a single family only, together with the customary outbuildings usually associated with such a unit;

"educational institution" (onderwysinrigting) means a school, college, technical institute, academy, lecture hall, cloister, public library, art gallery, museum, creche or any other such establishment regarded by the Council as of an educational nature, but excludes a university, reformatory, industrial school or a school for mental defectives:

"erf" (erf) means a piece of land in the scheme area shown with its own number on the surveyor-general's general map and the title of which is registered separately in the deeds office and includes a farm, small holding or plot;

"factory" (fabriek) means a site or building, or portion of a site or building on or in which -

- (i) a movable article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, processed or treated, adapted, repaired, renovated, rebuilt, altered, ornamented, painted (including spray painted), polished, finished, cleaned, dyed, washed, broken-up, disassembled, sorted, packed or put in a container, chilled, frozen or stored in cold storage;
- (ii) livestock (including poultry) are slaughtered;
- (iii) electricity is generated;
- (iv) photographs, films or tapes are developed or processed; or
- (v) any activity is carried out which is connected with or incidental to any one or more of the activities mentioned in paragraphs (i) to (iv);

**but does not include** a public garage, service or filling station, noxious trade, light industry, warehouse, workshop and premises or buildings on or in which the activities mentioned in paragraphs (i) to (v) are carried out -

- (a) inside and secondary to a shop, solely for the purpose of selling by retail from that shop;
- (b) by a farmer, solely in connection with farming operations on a farm operated by himself;
- (c) solely in connection with consultative professional services;

- (d) in respect of facilities used solely for teaching and instruction in primary, secondary or tertiary educational institutions; and
- (e) on a site used temporarily and solely for carrying out building work or an activity connected therewith;

# "family" (gesin) means-

- (i) a man or a woman together with one or more dependent family members who is or are financially and otherwise supported by the person concerned;
- (ii) a man and a woman who is lawfully married, with or without dependent family members who are financially and otherwise supported by them;
- (iii) two or more persons who are directly related by blood; or
- (iv) two persons who live together, together with one or more dependent family members who is or are financially and otherwise supported by them;

"farmstore" (plaaswinkel) means a building or structure which does not exceed 100 m" in floor space, including storage facilities, where a farmer sells goods, whether to his own employees or to the general public;

"flat" (woonstel) means a residential unit in a block of flats;

"floor factor" (vloerfaktor) means the factor (expressed as a portion of 1) which is prescribed for the calculation of the maximum floor space of a building or buildings permissible on an erf; it is the maximum floor space as a proportion of the net erf area;

"floor space" (vloeroppervlakte) in relation to a building or structure, means the area covered by a roof or slab, excluding an eave projection not exceeding 760 mm over an outer wall, if such a wall exists, and where a building consists of more than one storey, the "total floor space" is the sum of the floor spaces on all the storeys, including basement storeys;

"gathering place" (vergaderplek) means a site or building, or portion of a site or building utilised or intended to be utilised for gatherings, entertainment, recreation, sport or exhibitions, and includes a billiard saloon and an amusement arcade in which three or more tables, apparatus or instruments are used or are accessible, and also includes a training centre for more than five persons at a time, but does not include a place of worship, institution, pub/tavern, educational institution, private open space and restaurant;

"general residential building" (algemene woongebou) means a building which consists of a number of dwelling units or rooms which can be let separately and includes a block of flats, an accommodation establishment and a home for aged persons, but does not include any hostel, hotel, institution and dwelling house;

"gross parking space" (bruto parkeerruimte) means an area which incorporates one parking bay together with the internal circulation and landscaping space which is required for one parking bay;

"ground level" (grondvlak) means the mean between the highest and the lowest natural ground levels immediately adjacent to the building;

"ground storey" (grondverdieping) means the lowest storey, excluding a basement storey, of a building above the average ground level of the site around such building;

"group housing" (groepbehuising) means a group of separate and/or linked dwelling units which is planned, designed and built as a harmonious architectural entity with a medium density character and of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided;

"group housing erf" (groepbehuisingserf) means a subdivided portion of a group housing site approved for the erection of a dwelling unit as part of a group housing scheme, which has been or may be transferred to an individual owner;

"group housing site" (groepbehuisingsperseel) means a portion of land on which a group housing scheme has been or is to be erected;

"guest house" (gastehuis) means an owner-managed commercial accommodation establishment of not more than 16 bedrooms or suites, which has as its primary source of business the supply of tourist accommodation and a substantial breakfast for resident guests; provided that -

- (i) the individual bedrooms or suites may be marketed by means of short term renting only;
- (ii) the building may, in terms of the Liquor Act, 1989 (Act 27 of 1989), be licensed only for the purposes of on-consumption and subject to any conditions or restrictions which the Council may impose; and
- (iii) a hotel, hostel and accommodation establishment are not included in the definition;

"home-enterprise" (tuisonderneming) means any activity which is carried out in or from a dwelling house on an erf where the dominant use is and remains residential, but excluding any noxious trade;

"hostel" (koshuis) means a residential building for students in the university zone, or for scholars or students at a provincial or government school or college;

"hotel" (hotel) means a purpose built building in which lodging, meals and beverages are provided, which is readily accessible to the public and which qualifies for membership of the National Grading and Classification Scheme of the South African Tourism Board;

"hothouse" (plantkweekhuis) means an appropriately designed and equipped structure which is used exclusively for the cultivation of plants and crops;

"institution" (inrigting) means a building or portion of a building utilised or intended to be utilised as a social or welfare institution or for the administration thereof, and includes a hospital, nursing home or clinic, whether private or public, but does not include any hospital, sanatorium, clinic or institution for the

treatment of infectious or contagious diseases, or for the detention or treatment of persons who are mentally deficient or ill;

"lateral boundary" (sygrens) means every common boundary of an erf excluding a rear boundary;

"light industry" (ligte nywerheid) means a factory or workshop in which any power driven unit has a capacity not exceeding 4 kW, and all units together a total capacity not exceeding 23 kW;

"liquor store" (drankwinkel) means a shop in which mainly alcoholic beverages are sold in the retail trade, and includes an off-sales facility under the same management as a licensed hotel;

"maximum floor space" (maksimum-vloeroppervlakte) means the greatest total floor area which is permissible for a building or buildings with all its or their storeys on a site, which area is calculated by multiplying the floor factor by the nett area of the erf; provided that, in the case of a general residential building on a general residential site, the following shall not be included in the said maximum floor space:

- (i) any floor areas, including basement storeys, reserved exclusively for the parking of vehicles; and
- (ii) any balconies, terraces, stairs, well-staircases, communal foyers and communal passages, irrespective of the fact that they are covered by a roof;

"motor vehicle" (motorvoertuig) means a vehicle designed or intended for propulsion by other than human or animal power, and includes a motor cycle and a trailer or caravan, but does not include a vehicle moving exclusively on rails;

"net erf area" (netto erfoppervlakte) means the total area of an erf, excluding all land zoned or needed for public purposes;

# "noxious trade" (hinderbedryf) means -

- (i) an offensive use or any other use which constitutes a nuisance as invisaged in regulations promulgated from time to time in terms of sections 33 and 34 of the Health Act, 1977 (Act 63 of 1977), read with paragraphs (f) and (g) of the definition of "nuisance" in section 1 of the said act;
- (ii) the operation of a scheduled process, as defined in section 1 of the Air Pollution Prevention Act, 1965 (Act 45 of 1965); and
- (iii) the manufacture of explosives, as defined in section 1 of the Explosives Act, 1956 (Act 26 of 1956);

"occupier" (okkupeerder) in relation to a building, structure or site, means the person, legal personality or instance who actually occupies it and who is entitled to occupation, or the person, legal personality or instance who effectively controls or manages it, and includes the agent or legal representative of such occupier;

"office building" (kantoorgebou) means a building containing offices for administrative or commercial purposes, including a bank, stock exchange or similar undertaking, but excluding a gathering place, institution, shop, filling or service station, public garage, factory or any industrial building;

"ordinance" (ordonnansie) means the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), as amended from time to time;

"outbuilding" (buitegebou) means a building, whether separate from or attached to the main unit, utilised or intended to be utilised as a vehicle garage, storage space or as a laundry in so far as these uses are usually and reasonably required in connection with the main unit, and includes an outside room which is not an additional dwelling unit;

"parking bay" (parkeerplek of staanplek) means an area measuring not less than 5,5 m by 2,5 m which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Council:

"parking garage" (parkeergarage) means a building providing parking facilities for motor vehicles;

"pedestrian lane" (voetgangerhof) means an open space between buildings on an erf, reserved for use by pedestrians, without any structural impediment excepting fountains, sculptures or similar adornments approved by the Council;

"place of recreation" (ontspanningsplek) means a sports field, amusement park or similar public place intended for communal recreation, mainly in the open air:

"place of worship" (bedehuis) means a chapel, church, mosque, synagogue, temple or other place utilised primarily for practising religion, and includes any building in connection therewith, but does not include a chapel which forms part of a funeral parlour;

"point of sale" (verkoopspunt) means a space or a counter in a building on an erf which does not have business rights, where produce manufactured on such erf or directly related to a normal development on the erf is sold to the public, provided that such sales shall be secondary to the normal development;

"private open space" (privaat oopruimte) means land reserved for the purposes of sport, playing, resting or other forms of recreation, the access to which is controlled by an authorised body;

"private parking area" (privaat parkeergebied) means a private site which is reserved exclusively for the parking of vehicles and which is under the control of a private individual or agency;

"professional uses" (professionele gerbruike) means those types of uses that would normally and reasonably be associated with the term "professional", for example medical practitioners, dentists, architects, engineers, etc., and performance of a service, as distinct from trading, is one of the distinguishing factors;

"pub/tavern" (kroeg/taverne) means a shop in which mainly alcoholic beverages are sold or are attainable, exclusively for on site consumption;

"public garage" (openbare garage) means a building, including the site, for an undertaking which offers a complete range of services for motor vehicles, including panel beating, blacksmithing, duco spraying and body building;

"public open space" or "public place" (publieke oopruimte of publieke plek) means a park, public garden, square, sports field, childrens' playground, amusement park, place of recreation or any similar amenity, the access to which is not limited or controlled:

"public parking area" (openbare parkeergebied) means a municipal site which does not fall within the boundaries of a street and which is reserved for the benefit of the general public exclusively for the parking of vehicles;

"rear boundary" (agtergrens) means every common boundary of an erf which is parallel to, or is within less than 45° of being parallel to, every street boundary of such erf and which does not link up with a street boundary thereof;

"resident" (bewoner) in relation to a building, structure or site, means the person who occupies such site and physically resides on it;

"restaurant" (restourant) means a shop in which mainly prepared food and refreshments are sold and served to five or more seated patrons;

"retirement village" (aftree-oord) means a group or town housing scheme which conforms to the following additional conditions:

- (i) each dwelling unit shall only be occupied by a retired person or by a family of whom at least one member is a retired person;
- (ii) a full spectrum of care and other recreational facilities shall be provided to the satisfaction of the Council: and

(iii) development rules other than those applicable in a group housing zone may in respect of a retirement village be determined by the Council;

"scheme map" (skemakaart) means the map referred to in section 3 infra;

"semi-detached dwelling" (skakelhuise) means a building with two attached single-storeyed residential units, each with its own entrance from the street;

"service or filling station" (diens- of vulstasie) means a building in which motor vehicles, fuel and accessories are sold and in which repairs may be effected, excluding panel beating, duco spraying, body building and blacksmithing;

- "shop" (winkel) means a site or building, or portion of a site or building utilised or intended to be utilised for the operation of a retail business, and includes a workshop on the same premises which is connected with and incidental and subordinate to the retail business, but does not include a service or filling station, liquor store, pub/tavern, motor showroom and public garage;
- "sign" (teken) means any surface, structure or device having on it any visible representation of a word, letter, figure, sign, symbol or colour publicly displayed in any manner whatsoever for the purpose of advertising, or giving information regarding, or of attracting the public to, any place, person, performance, exhibition, entertainment or activity, or any article or merchandise whatsoever;
- "special usage" (spesiale gebruik) means a use which is such, or in respect of which the land use restrictions are such, that provision is not made therefor in these scheme regulations, and which is defined in detail by means of conditions of approval or by means of provisions applicable to the special zone;
- "specific business" (spesifieke besigheid) means a business use of a particular nature, but within the compass of section 10.7, that is prescribed for a specific site by the Council;
- "storey" (verdieping) means a single level of a building, excluding a basement storey, which does not exceed a height of 4 metres, measured from finished floor level to finished floor level or to the ceiling in the case of the top storey, and includes a roof-space utilised or intended to be utilised for the purpose of habitation;
- "street" (straat) means an area described as such in Ordinance No. 20 of 1974, as amended from time to time;
- "street boundary" (straatgrens) means the boundary, as surveyed or proclaimed, between an erf and the adjoining street;
- "tenement dwelling" (ryhuise) means a building consisting of three or more single-storeyed residential units, each with its own entrance from the street;
- "town housing" (dorpbehuising) means a row or group of separate and/or linked and/or attached dwelling units which are planned, designed and built as a harmonious architectural entity and of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided;
- "town housing erf" (dorpbehuisingserf) means a subdivided portion of a town housing site, approved for the erection of a dwelling unit as part of a town housing scheme, which has been or may be transferred to an individual owner;
- "town housing site" (dorpbehuisingsperseel) means a portion of land on which a town housing scheme has been or is to be erected;
- "transport usage" (vervoergebruik) means a transport undertaking based on the provision of a transport service and includes public as well as private undertakings;
- "university" (universiteit) means the University of Stellenbosch;

"use zone" (gebruiksone) - see definition for "zone";

"use zoning" (gebruiksonering) - see definition for "zoning";

"warehouse" (pakhuis) means a building used for the storage of goods, or as a depot for a wholesale business, or as a place for the processing of commercial material, in so far as such a building does not fall within the scope of a shop;

"wine industry" (wynbedryf) means a site or building, or portion of a site or building utilised or intended to be utilised for the manufacture of liquor in the form of wine or spirits from grapes;

"workshop" (werkwinkel) means a building or portion of a building which does not exceed 200 m" in nett floor area, and in which any one or more of the activities referred to in paragraphs (i) to (v) of the definition of "factory" is or are conducted, but does not include a public garage, service or filling station and noxious trade;

"zone" or "use zone" (sone of gebruiksone) means an area consisting of one or more erven and for which a specific land use or uses is demarcated on the scheme map;

"zoning" or "use zoning" (sonering of gebruiksonering) with reference to an erf, means the reservation of that erf for a specific use or uses.

## 2. SCHEME AREA

This by-laws shall be applicable to the entire area which has been or may be incorporated within the municipality by proclamation of the Premier.

## 3. SCHEME MAP

- 3.1 A scheme map shall be kept in the office of the chief town planner and in such other offices as the Council may direct, and shall be available for inspection during normal office hours.
- The use zoning for each erf in the scheme area, in so far as it is not undetermined, shall be indicated on the scheme map, ordinarily in use zones for groups of erven, and shall be identified by means of a key as indicated in section 9.1 hereunder.

## 4. ERF REGISTER

Notwithstanding the fact that the use zoning for erven in the scheme area is indicated on the scheme map, the Council shall cause to be kept a register of all erven in the said area in which shall be recorded details of the use zoning and any other relevant information in respect of each erf, and if there should be any uncertainty on the identification of the use zoning of an erf according to the scheme map, the evidence of the erf register shall be assumed to be correct.

# 5. **DEVELOPMENT OF ERVEN FOR ORDINARY AND EXTRAORDINARY PURPOSES**

- 5.1 In the schedule of land uses under section 10 distinction is made, for as far as the Council deems it practicable, between the ordinary and extraordinary purposes for which buildings or structures may be used or erected on an erf which is zoned for a particular use, but notwithstanding the fact that provision is actually made for such extraordinary purposes, the approval of the Council must be obtained therefor in advance in each case, which approval the Council may refuse as it may deem fit, or grant, subject to such conditions as it may deem necessary in each case or as a general rule.
- 5.2 Before approval is granted by the Council in terms of section 5.1, the town clerk shall-
  - (a) cause the said application to be advertised if, in his opinion, any person may be adversely affected thereby; and
  - (b) obtain the relevant comments of any person who in his opinion has an interest in the application.

For the purposes of this section "advertise" has the meaning assigned thereto in the ordinance.

5.3 Any costs incurred by the Council in connection with an application in terms of sub-section (2) supra, shall be recoverable from the applicant.

## 6. LOADING FACILITIES ON AND ACCESS TO ERVEN

- Subject to the requirements prescribed in the schedule under section 10 relating to the provision of parking or loading space on particular erven, the Council may stipulate the provision of additional space for loading or unloading of goods on any erf if the particular nature or extent of a scheme of development contemplated for that erf should, in the opinion of the Council, justify such a step.
- Access to or exit from any property or piece of land from or to any public place or property may be prohibited across any boundary line; provided that the Council may allow the relaxation of the access restriction subject to such conditions as it may deem fit if, as a result of surrounding circumstances, the adherence to the access restriction would unreasonably hamper the development of the property; provided further that this proviso shall not apply to land adjacent to any main- or national roads insofar as it is contrary to the requirements of any Law or Ordinance.

## 7. URBAN AESTHETICS

- 7.1 The Council may appoint a committee to render advice on the aesthetic, functional, architectural or historical aspects of existing buildings or building schemes contemplated, and by ordinary resolution it may prescribe rules and procedures for such a committee.
- 7.2 No sign shall be erected, affixed or displayed anywhere in the scheme area in such a manner that it is visible from any public street or public place unless it complies with the Council's approved "Guidelines for the Design and Control of Signs".

## 8. SPECIAL AREAS

- 8.1 Notwithstanding the fact that a particular use zoning attaches to an erf, group of erven or erven in a particular locality in terms of this zoning scheme, or if such a particular zoning has not been determined as yet, the Council may declare such erf, group of erven or locality as a special area if it should be of opinion that, for particular reasons, any form of development on that erf, group of erven or in that locality should be specially controlled, irrespective of the normal development restrictions prescribed elsewhere in this by-law.
- 8.2 For the purpose of sub-section 8.1 the historical centre of Stellenbosch, as demarcated on the diagram attached as Annexure B, shall be deemed to be a special area for the protection and preservation of the historical and architectural character of the old town, and the Council may prescribe, as a restriction of the normal development rules, extraordinary requirements or conditions as far as concerns:-
  - (a) the street elevation of buildings;

- (b) the maintenance of buildings;
- (c) the display of advertisements and the erection of advertising boards and signs;
- (d) the provision of parking facilities on sites;
- (e) the height of buildings;
- (f) coverage;
- (g) floor factor;
- (h) building lines; and
- (i) any other aspect which the Council may deem necessary in a particular case.
- 8.3 The special rules pertaining to the control over building construction in the historical centre, as set out in Annexure A added hereto, is prescribed as a general indication of the aims of the Council.

# 9. LAND USES AND RULES PERTAINING TO THE DEVELOPMENT OF ERVEN

- 9.1 In the schedule hereunder details of all land uses in respect of erven in the scheme area are set out under code letters as follows:
  - LU: nature of land use, with an indication of the medium for identifying such zoning on the scheme map;
  - ND: normal development in the form of buildings or structures which may be erected for specific purposes on an erf for the exploitation of the assigned use;
  - SD: special development in the form of buildings or structures on an erf, the erection of which the Council may approve for exceptional purposes;
  - RD: rules of development pertaining to the erection of buildings or structures on an erf and the site lay-out, subject to any provisions to the contrary in the Council's building regulations which may be in force in the scheme area; and
  - IM: identification medium for the various land uses.

The normal and special developments per use zone are indicated in **Table A**.

# TABLE A: LAND USES IN THE VARIOUS USE ZONES

ZONING	NORMAL DEVELOPMENT	SPECIAL DEVELOPMENT
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Agriculture	Agricultural buildings	Additional dwelling unit Day-care centre Guest house Farmstore Use of a minor portion of a dwelling house by a permanent resident for social, religious or occupational purposes or for a home-enterprise. Accommodation of additional persons.
		I

ZONING	NORMAL DEVELOPMENT	SPECIAL DEVELOPMENT
Single Residential	Dwelling house Hothouse	Additional dwelling unit Day-care centre limited to 15 or less children. Guest house Breeding of dogs Use of a minor portion of a dwelling house by a permanent resident for social, religious or
		occupational purposes or for a home-enterprise. Accommodation of additional persons.
Group housing	Group housing and, in the case of subdivision in group housing erven, one dwelling unit per group housing erf.	Retirement village Day-care centre limited to 15 or less children. Town housing and, in the case of subdivision in town housing erven, one dwelling unit per town housing erf. Use of a minor portion of a dwelling unit by a permanent resident for social, religious or occupational purposes or for a home-enterprise.
General Residential	General residential building Existing dwelling house	Guest house
General Business	Shops Offices Private parking area Existing dwelling house General residential units above the ground storey in a building complex of which at least the ground storey is used for business purposes.	Guest house Hotel Liquor store Pub/Tavern Gathering place Funeral parlour Service or filling station Motor showroom Warehouse Workshop
Restricted Business	Shops Offices Existing dwelling house General residential units above the ground storey in a building complex of which at least the ground storey is used for business purposes.	To be determined through negotiations with the Council, but comprise only uses as permitted in the general business zone.
Specific Business	None	To be determined through negotiations with the Council, but comprise only uses as permitted in the general business zone.

ZONING	NORMAL DEVELOPMENT	SPECIAL DEVELOPMENT
Special Business	Shops Public garage	
•	Warehouse	Gathering place
	Workshop	Motor showroom
	Service or filling station	
Light Industrial	Light industry	Public garage
	Service or filling station	Gathering place
	Warehouse	Transport usage
	Workshop	, ,
	Accommodation for supervisory	,
	staff where necessary.	
	Point of sale	
General Industrial	Factory	Gathering place
	Service or filling station	Transport usage
	Light industry	3. 1
	Public garage	
	Warehouse	
	Workshop	
	Accommodation for supervisory	•
	staff where necessary.	
	Point of sale	
Noxious Industrial	Noxious trade	None
Wine Industry	Wine Industry	None
,	Accommodation for supervisory	,
	staff where necessary.	
	Point of sale	
Institution	Institution	Gathering place
		Hospital, sanatorium, clinic or
		institution for the treatment of
		infectious or contagious
		diseases, or for the detention or
		treatment of persons who are
		mentally deficient or ill.
Educational Institution	Educational Institution	Any development of which the
		Council may approve which is
		related to educational institution.
University	Any buildings normally	None
	required for university	
	purposes, excluding purposes	
	of an industrial character.	
Place of worship	Place of worship	None
Public open space	Public open space	None
Private open space	Private open space and any	None
	development of which the	
	Council may approve which	
	is directly related to private	
	open space.	

ZONING	NORMAL DEVELOPMENT	SPECIAL DEVELOPMENT	
Local authority	See section 10.19.		
Government	Any development upon which the Council and the other party may agree.		
Undetermined	Existing uses		
Special zone	Special usage		

- 9.2 If, in a particular use zone which makes provision for more than one land use (whether as a normal development or a special development), an erf is developed or used for a land use for which development rules are prescribed in another use zone, then those development rules shall apply to the land use concerned, unless other development rules are prescribed in the particular use zone.
- 9.3 If, in a particular use zone which makes provision for more than one land use (whether as a normal development or a special development), an erf is developed or used for land uses for which development rules are prescribed in another use zone, whether in a combined building or separate buildings, then those development rules shall apply to the land uses concerned, unless other development rules are prescribed in the particular use zone.
- 9.4 If separate portions of an erf should be zoned for separate land uses, the prescribed rules of development for each such use shall be applied separately to that portion of the erf to which the said use is attached, as if such portion is a separate erf, and no merger of the uses or rules of development for the separate uses shall be permitted.

## 10. SCHEDULE OF ALL LAND USES

## 10.1 LU: **AGRICULTURE**:

IM:

10.1.1 ND: Agricultural buildings

## 10.1.2 SD:

- (a) Additional dwelling unit
- (b) Day-care centre
- (c) Guest house
- (d) Farmstore

- (e) The use of a minor portion of a dwelling house by a permanent resident thereof for any social, religious or occupational purposes, or for a homeenterprise.
- (f) The accommodation of additional persons, whether for reward or otherwise, as described in each case:
  - (i) In the case of a dwelling house occupied by a family, not more than four additional persons who are not members of such family; or
  - (ii) in the case of a dwelling house occupied by a single person, not more than four additional persons who are not related to such single person; provided that such single person shall be the registered owner, or a direct blood relation of the registered owner, of the dwelling house concerned.

## 10.1.3 RD:

- (a) Building line: 30 m from all boundaries.
- (b) Parking with respect to guest house: 0,7 parking bay for every suite or bedroom.

#### 10.2 LU: **SINGLE RESIDENTIAL**:

IM:

## 10.2.1 ND:

- (a) One dwelling house.
- (b) A hothouse of material acceptable to the Council.

#### 10.2.2 SD:

- (a) Additional dwelling unit
- (b) Day-care centre limited to 15 or less children
- (c) Guest house
- (d) Breeding of dogs (excluding a kennel)
- (e) The use of a minor portion of a dwelling house by a permanent resident thereof for any social, religious or occupational purposes, or for a homeenterprise.

- (f) The accommodation of additional persons, whether for reward or otherwise, as described in each case:
  - (i) In the case of a dwelling house occupied by a family, not more than four additional persons who are not members of such family; or

(ii) in the case of a dwelling house occupied by a single person, not more than four additional persons who are not related to such single person; provided that such single person shall be the registered owner, or a direct blood relation of the registered owner, of the dwelling house concerned.

## 10.2.3 RD:

# (a) Building lines:

(i) The Building lines are as follows:

	Building lines	
Erf area (m¨)	Street boundary (m)	Common boundary (m)
250 and smaller	2,0	1,5
251 - 500	3,0	1,5
501 - 750	4,0	2,0
751 - 1 500	4,5	2,5
1 501 and greater	5,0	3,0

- (ii) Notwithstanding section 10.2.3(a)(i) -
  - (aa) the street building line in respect of private garages and carports shall be at least 4 m;
  - (bb) an eaves projection may exceed the prescribed street or common building line by at most 1 m;
  - (cc) the Council may approve the erection of a building or structure which exceeds a common building line provided that such deviation shall comply with the Council's approved "Guidelines for Deviations"; and
  - (dd) the one lateral building line in respect of erven with an area of 250 m" and smaller is 0 metre for the purpose of erecting nonhabitable rooms.

# (b) Coverage and floor factor:

(i) The maximum coverage and floor factor shall be as follows:

Erf area (m <sup>"</sup> )	Coverage Floor factor (%)	
0 - 1500	60 minus (Erf area in m¨ x 0,02)	0,9 minus (Erf area in m" x 0,0003)
1500 and greater	30 %	0,45

- (ii) Notwithstanding section 10.2.3(b)(i) the Council may approve the erection of a building or structure which exceeds the prescribed coverage and floor factor, provided that such deviation complies with the Council's approved "Guidelines for Deviations".
- (c) <u>Height</u>: 2 storeys above the ground level.

# (d) Parking:

Parking (which may include garages) shall be provided on the erf to the satisfaction of the Council in the following ratios:

- (i) Erf area 150 m" 400 m": 1 parking bay; and
- (ii) Erf area 401 m" and greater: 2 parking bays.

## (e) Exceptions:

- (i) in the case of a hothouse the following rules of development are applicable:
  - (aa) maximum permissible size: 18 m";
  - (bb) maximum permissible height: 2,4 m;
  - (cc) erection must be within the building lines applicable to the specific erf and shall not be visible from the street;
  - (dd) the cooling or heating apparatus used, may not cause any disturbance and the Council may revoke this permission if it constitutes a nuisance in the neighbourhood; and
  - (ee) utilization may only be for non-commercial purposes.

- (ii) In the case of a minor portion of a dwelling house being used for social, religious or occupational purposes or for a home-enterprise, the following rules of development shall apply:
  - (aa) The dominant use of the property shall remain residential;
  - (bb) No name or advertising sign shall be erected on the property, except one which complies with the Council's approved "Guidelines for the design and control of signs";
  - (cc) The residential character of any facade of the dwelling house shall not be altered;
  - (dd) The non-residential use shall not create a nuisance to the neighbourhood or be detrimental to the residential character or amenity of the neighbourhood;
  - (ee) Except with the written consent of the Council, not more than two persons besides the resident shall be employed on the property in connection with such use;
  - (ff) Any material or equipment which is utilized in connection with such use shall be stored to the satisfaction of the Council and out of sight from any street or adjacent property; and
  - (gg) Parking for employees or visitors with respect to such use shall be provided on the erf to the satisfaction of the Council.
- (iii) In the case of a dwelling house being used for the accommodation of additional persons as contemplated in section 10.2.2(f), the following rules of development shall apply:
  - (aa) The use shall not create a nuisance to the neighbourhood; and
  - (bb) Parking for all the residents of the dwelling house shall be provided on the erf to the satisfaction of the Council.
- (iv) In the case of the breeding of dogs, the following rules of development shall apply:
  - (aa) The applicant shall be a registered member of a dog breeding union;
  - (bb) Not more than six dogs shall be kept on the erf;
  - (cc) The use shall not create a nuisance to the neighbourhood; and
  - (dd) No name or advertising sign shall be erected on the property, except one which complies with the Council's approved "Guidelines for the design and control of signs".
- (v) In the case of an additional dwelling unit, the following development rules shall apply over and above the standard development rules in section 10.2.3:

- (aa) the height of the additional dwelling unit shall not exceed one storey;
- (bb) the additional dwelling unit shall conform to the primary dwelling unit as far as the design and use of material are concerned;
- (cc) one additional parking bay shall be provided on the erf concerned for the exclusive use of the residents of the additional dwelling unit; and
- (dd) the erf shall not be subdivided cadastrally.

## 10.3 LU: **GROUP HOUSING**:

IM:

#### 10.3.1 ND:

Group housing as defined in section 1, and in the case of a subdivision in group housing erven, one dwelling unit on each group housing erf.

## 10.3.2 SD:

- (a) Retirement village
- (b) Day-care centre limited to 15 or less children.
- (c) Town housing as defined in section 1, and in the case of a subdivision in town housing erven, one dwelling unit on each town housing erf.
- (d) The use of a minor portion of a dwelling unit by a permanent resident thereof for any social, religious or occupational purposes, or for a homeenterprise.

## 10.3.3 RD:

## (a) Building lines:

- (i) As prescribed in sections 10.2.3(a)(i) and (ii).
- (ii) Notwithstanding section 10.3.3(a)(i) -
  - (aa) a building or structure which exceeds a building line may be erected provided that such deviation is in accordance with a site development plan which has been approved by the Council with respect to the group or town housing scheme; and
  - (bb) the Council may require more restrictive building lines if considered necessary for the good order, safety or aesthetics of the group or town housing scheme or where the scheme concerned borders on another zone.

# (b) Common Open Space:

- (i) A minimum of 40 m" per dwelling unit shall be provided and in this context "open space" means public or private open space excluding roads, service yards, private outdoor spaces and undevelopable land steeper than 1:5 and/or below the 1:50 years flood line of a stream or river.
- (ii) Notwithstanding section 10.3.3(b)(i) the Council may relax the required provision of open space if -

- (aa) public open space is provided to its satisfaction in the immediate vicinity of the group or town housing scheme; and
- (bb) internal street reserves are planned and can be used to its satisfaction as part of the open space system.

# (c) Height of buildings:

As prescribed for single dwellings under section 10.2.3(c).

# (d) Parking:

At least two parking bays per dwelling unit in a group or town housing scheme shall be provided to the satisfaction of the Council on the group or town housing site.

# (e) Density:

- (i) Group housing: as prescribed by the Council up to a maximum of 20 dwelling units per gross hectare; and
- (ii) Town housing: as prescribed by the Council up to a maximum of 50 dwelling units per gross hectare.

# (f) Service yard and private outdoor space:

- (i) A service yard and private outdoor space having a total area of at least 80 % of the ground floor area of the dwelling unit concerned, lock-up garages excluded, shall be provided to the satisfaction of the Council for every group or town housing erf; provided that the service yard shall be out of sight of anyone else than the occupant(s) of the dwelling unit concerned.
- (ii) For the purposes of this subsection "private outdoor space" and "service yard" means the area adjoining any given dwelling unit in a group or town housing scheme which is reserved for the exclusive use of the occupants of the dwelling unit concerned and intended to be used respectively for:
  - private outdoor living and recreation; and
  - the drying of laundry, storing of rubbish bin and other household store and service functions.

## (g) Aesthetics:

- (i) The objectives reflected in the definition of "group housing" and "town housing" shall be closely followed and implemented in the design.
- (ii) A site development plan shall be submitted for approval for every new group or town housing scheme to the satisfaction of the Council

before any building plans are approved or any building operations commence.

(iii) The Council may require that a garden and environmental plan, prepared by an expert for the whole group or town housing site, be submitted for approval and subsequent implementation.

# (h) Exceptions:

In the case of minor portion of a dwelling unit being used for social, religious or occupational purposes or for a home-enterprise, the rules of development as prescribed in section 10.2.3(e)(ii) shall apply.

## 10.4 LU: **GENERAL RESIDENTIAL**:

IM:

10.4.1 ND: General residential building and an existing dwelling house.

10.4.2 SD: Guest house

10.4.3 RD:

# (a) Building Lines:

- (i) Street: 7,6 m from the boundary, or 16 m from the centre of a street which is less than 16 m in width.
- (ii) Lateral and rear boundaries:

4,6 m;

#### OR

a distance which will ensure that a vertical line between the ground level and any point in any height level visible from the boundary, forms an angle of at least 25° with a line from the same point to the boundary concerned;

whichever distance is the greater.

(iii) Lateral and rear boundaries for dwelling units in a composite building on a business site:

In the case of dwelling units on the second storey or higher in a building with composite uses on a business erf, the building on that storey may be constructed up to a side boundary over a distance not exceeding 12,2 m from the street boundary, after which the rear and lateral building line is 4,6 m, but the Council may permit a further

relaxation if it is satisfied that adequate provision is made for fresh air and light.

(iv) Common lateral boundaries: where development schemes for two or more adjoining erven, each smaller than 1 500 m", are planned for simultaneous execution, the Council may permit the elimination of the building lines on the common lateral boundaries, on condition that the street elevations of the separate complexes of buildings on the erven concerned have a relatively continuous and homogeneous appearance.

# (b) <u>Coverage</u>:

- (i) 25 % for the main building plus not more than 25 % for covered vehicle shelters standing apart from the main building;
- (ii) where an owner is compelled to surrender a portion of his erf for street widening, the coverage shall be calculated on the remaining portion only; and
- (iii) where in the Council's opinion an existing building on a general residential erf can be regarded as being worthy of preservation, it may allow in addition to the existing coverage, a further coverage of 25 % of the balance of the area of that erf, if the owner wishes to erect dwelling units and is prepared to preserve the old building.
- (c) Minimum street frontage: 15 m
- (d) Minimum erf area:

1000 m" for a general residential building; provided that, where an erf in a general residential zone is smaller than 1000 m", the development rights and rules prescribed for the single residential zone shall be applicable to such an erf.

## (e) Height:

(i) The restrictions vary according to erf size, viz:

1 000 - 1 499 m": 2 storeys;

1 500 - 1 999 m": 3 storeys; and

2 000 m" and greater: 3 storeys, but the Council may permit higher buildings if in its opinion this would not be detrimental to the environment.

(ii) Where the provision for vehicle parking occupies at least 75 % of any storey above ground level in a block of flats, one extra storey may be allowed.

## (f) Floor factor:

(i) The restrictions vary according to the size of the erf, viz-

1 000 - 1 499 m" : 0.4

1 500 - 1 749 m" : 0,5

1 750 - 1 999 m" : 0,6

2 000 m" and over : 0,75

but if an erf is smaller by not more than 1 % of 1 500 m", 1 750 m" or 2 000 m", the Council may approve the factor permissible for an erf measuring 1 500 m", 1 750 m" or 2 000 m", as the case may be.

- (ii) The areas of communal passages, entrance halls, staircases, well-staircases, terraces, galleries, lift shafts, ordinary balconies and parking facilities in a building to which is referred in section 10.4.3(e)(ii), is not included in the maximum floor space.
- (iii) Where it is necessary for the Council to acquire a portion of an erf or erven for street widening purposes, the maximum floor space shall be calculated on the original erf area if the owner transfers the said portion(s) of the site to the Council free of compensation. The Council shall then also pay the cost of survey and transfer.
- (iv) If two or more erven with general residential rights in the historical centre of the town are consolidated the maximum floor area for the consolidated erf shall be the sum of the maximum floor areas of the original erven, calculated on the floor factor of each before consolidation.

# (g) Street services:

Where a development scheme is planned for an erf on a street less than 15 m wide, the owner shall be compelled to provide a portion of this erf for acquisition by the Council for street widening in order that the new street boundary will be not less than 7,5 m away from the centre of the street.

# (h) Requirements pertaining to parking, garden and recreational space:

- (i) Parking shall be provided on the premises for the exclusive use of the residents concerned and their visitors to the satisfaction of the Council in the following ratios:
  - Block of flats: 1,25 parking bays for every dwelling unit with a floor area greater than 30 m";

#### OR

1 parking bay for every dwelling unit with a floor area of not more than 30 m";

## **PLUS**

0,25 parking bay for every dwelling unit for visitors.

- Home for aged persons: 1 parking bay for every two bedrooms.
- Accommodation establishment: 1 parking bay for every bedroom.
- Guest house: 0,7 parking bay for every suite or bedroom.
- (ii) In the case of a block of flats the parking bays for visitors shall be clearly demarcated and suitably indicated for such use by means of a notice-board to the satisfaction of the Council.
- (iii) In the case of a block of flats at least 25 % of the erf in an unbroken unit area shall be reserved for gardening and recreation, physically separated from the parking area, and the lay-out shall be subject to the approval of the Council.
- (iv) Commercial vehicles may use the parking area periodically for loading or unloading supplies, but may not be parked there regularly.

10.5	LU:	<b>GENERAL</b>	BUSINESS:
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IM:

10.5.1 ND:

Shops, offices, private parking area and existing dwelling house, as well as general residential units above the ground storey in a building complex of which at least the ground storey is used for business purposes.

## 10.5.2 SD:

Guest house, hotel, liquor store, pub/tavern, gathering place, funeral parlour, service or filling station, motor showroom, warehouse and workshop.

## 10.5.3 RD:

# (a) Building lines:

- 0 m for shops, offices, private parking areas, guest houses, hotels, liquor stores, pubs/taverns, gathering places, funeral parlours, motor showrooms, or for a composite building which also accommodates other permitted uses (with the exception of general residential units and service or filling stations);
- (ii) notwithstanding section 10.5.3(a)(i) the following development rules shall apply -
  - (aa) for general residential units the building lines are as prescribed for general residential buildings under the use zone general residential;
  - (bb) where a business erf bounds on a single residential, group housing, or general residential erf, the building lines with respect to any such common boundary shall be at least 3 m;
  - (cc) for basement storeys the building lines shall in all cases be 0 m; and
  - (dd) for service or filling stations the building lines are as prescribed by the provincial regulations on garages.

# (b) Coverage:

- 85 % for shops, offices, guest houses, hotels, liquor stores, pubs/taverns, gathering places, funeral parlours, motor showrooms, or for a composite building which also accommodates other permitted uses (with the exception of general residential units and service or filling stations);
- (ii) notwithstanding section 10.5.3(b)(i) the following development rules shall apply -
  - (aa) for hotel/guest-house rooms and general residential units above the ground storey the coverage shall be 50 %;
  - (bb) pedestrian thoroughfares through a building complex, covered or otherwise, shall not count as coverage; and

(cc) for service or filling stations the coverage is as prescribed by the provincial regulations on garages.

# (c) Doors, windows, etc, on lateral or rear boundaries:

No door, window or opening of any nature shall be permitted in a wall on a lateral or rear boundary, and furthermore no public thoroughfare from one erf to another adjoining one shall be permitted across a common lateral or rear boundary, except that the Council may approve of such a common public thoroughfare in the case of two building schemes executed simultaneously on adjoining erven, subject to the express reservation that the Council or any one of owners of the two erven concerned may at any time demand that the said thoroughfare on the boundary be closed.

# (d) Separation of business and residential erven:

Where a building scheme is executed on a business erf bounding on a residential erf, the owner of the former shall be compelled to erect, at his own cost, a wall not less than 2 m high on the common boundary, unless provision is already made in the said building scheme for another wall on that boundary.

# (e) <u>Height restrictions</u>:

- (i) The restrictions vary in accordance with the nature of the buildings to be erected, viz. for shops, offices and hotels 5 storeys are permitted, while 3 storeys are permitted for other uses; and
- (ii) Where intramural parking on the erf occupies more than 75 % of a storey which is not a basement, an additional storey (or 3 m) may be allowed.

## (f) Parking:

(i) Shops and offices: 1 gross parking space for every 25 m" of gross leasable shop and office floor space.

The owner may, with the consent of the Council, if the Council is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking space on the site, acquire the prescribed area for the parking facilities concerned elsewhere in a position approved by the Council; provided that the owner shall register a notarial deed against such land to the effect that it shall at all times be available for the parking of motor vehicles connected with the use on the first-mentioned site, that the owner shall be obliged to level, surface and maintain this land to the satisfaction of the Council and that the cost of compilation and registration of the notarial deed shall be borne by the owner;

(ii) gathering places: as required by the Council;

- (iii) service or filling stations: as prescribed by the provincial regulations on garages;
- (iv) hotels: 0,7 parking bay for every bedroom;
- (v) parking areas, unless covered, must be demarcated clearly and to the satisfaction of the Council and must be at the disposal of visitors; and
- (vi) the outlay of parking areas, with an indication of the entrances and exits (at least 6,2 m from any street intersection), shall be subject to the approval of the Council.

# (g) Special requirements for particular cases:

# (i) <u>Laundrettes and dry cleanettes</u>

The following additional restrictions shall apply:

- (aa) maximum floor area allowed: 275 m";
- (bb) minimum distance from the nearest similar undertaking on the same side of the street: 60 m;
- (cc) maximum number of employees: 12 (not including clerical personnel);
- (dd) the medium of steam generation must be approved by the Council;
- (ee) the total load capacity for all dry-cleaning machines in the building may not exceed 20 kg dry weight per half-hour cycle;
- (ff) the collective load capacity for all the washing machines on the premises may not exceed 27 kg dry weight per wash; and
- (gg) the Council may impose further conditions.

## (ii) Funeral parlours

The following additional restrictions shall apply:

- (aa) minimum street frontage: 13 m;
- (bb) minimum distance from a street intersection: 100 m; and
- (cc) minimum parking bays: 15.

## (iii) Pubs/taverns, restaurants and gathering places

The following occupancy restriction shall apply:

the maximum population at any given time inside a building which is used as a pub/tavern, restaurant or gathering place and classified as A1 class of occupancy in terms of the National Building Regulations

(promulgated under the National Building Regulations and Building Standards Act, Act 103 of 1977), shall be calculated at 1 person per m" of the effective client floor space, subject to the availability of minimum width escape routes as prescribed in the said regulations.

## 10.6 LU: **RESTRICTED BUSINESS**:

IM:

#### 10.6.1 ND:

Shops, offices (including professional uses) and existing dwelling house, as well as general residential units above the ground storey in a building complex of which at least the ground storey is used for business purposes.

## 10.6.2 SD:

To be determined through negotiations with the Council, but comprise only uses as permitted in the general business zone.

#### 10.6.3 RD:

- (a) a height restriction of three storeys shall apply; and
- (b) otherwise the development rules pertaining to the general business zone shall apply.

# 10.7 LU: **SPECIFIC BUSINESS**:

IM:

10.7.1 ND: None

# 10.7.2 SD:

To be determined through negotiations with the Council, but comprise only uses as permitted in the general business zone.

10.7.3 RD: As for general business erven.

## 10.8 LU: **SPECIAL BUSINESS**:

IM:

- 10.8.1 ND: Shops, warehouse, workshop and service or filling station.
- 10.8.2 SD: Public garage, gathering place and motor showroom.
- 10.8.3 RD: As for general business erven.

# 10.9 LU: **LIGHT INDUSTRIAL**:

IM:

# 10.9.1 ND:

Light industry, service or filling station, warehouse and workshop, including accommodation for supervisory staff, where necessary, as well as a point of sale.

10.9.2 SD: Public garage, gathering place and transport usage.

## 10.9.3 RD:

- (a) Building lines:
  - (i) Street: 3 m, but if the street is less than 15 m wide, the Council shall acquire a strip of land along the street from the owner of the erf, in width equal to the difference between 7,5 m and the actual distance between the centre line of the street and the existing street boundary, in which event the building line shall be 3 m from the new street boundary;
  - (ii) lateral: the erf boundary, except where there should be servitude reserves for municipal services along the boundary;
  - (iii) rear: the erf boundary, except where there should be servitude reserves for municipal services along the boundary; and
  - (iv) where an industrial erf bounds on a residential or business erf, the building lines prescribed for the latter two classes of erven shall also apply to the industrial erf with reference to the common boundaries.
- (b) <u>Coverage</u>: 75 %
- (c) <u>Height</u>: 3 storeys.
- (d) Parking: 1 parking bay on the site for each 100 m<sup>-</sup> coverage, or part thereof, up to 1500 m<sup>-</sup>, and thereafter 1 bay for each 200 m<sup>-</sup> or part thereof, and 25 % of all such bays shall be reserved specially for visitors.
- (e) <u>Loading facilities on site</u>: 1 loading bay for the first 250 m<sup>o</sup> of coverage, plus 1 bay for the next 250 m<sup>o</sup>, plus 1 bay for the next 500 m<sup>o</sup>, plus 1 bay for each 1 000 m<sup>o</sup> thereafter.

#### 10.10 LU: **GENERAL INDUSTRIAL**:

IM:

#### 10.10.1 ND:

Factory, service or filling station, light industry, public garage, warehouse and workshop, including accommodation for supervisory staff, where necessary, as well as a point of sale.

10.10.2 SD: Gathering place and transport usage.

#### 10.10.3 RD:

(a) Building lines:

- (i) Street: 3 m, but if the street is less than 15 m wide, the Council shall acquire a strip of land along the street from the owner of the erf, in width equal to the difference between 7,5 m and the actual distance between the centre line of the street and the existing street boundary, in which event the building line shall be 3 m from the new street boundary;
- (ii) lateral: the erf boundary, except where there should be servitude reserves for municipal services along the boundary;
- (iii) rear: the erf boundary, except where there should be servitude reserves for municipal services along the boundary; and
- (iv) where an industrial erf bounds on a residential or business erf, the building lines prescribed for the latter two classes of erven shall also apply to the industrial erf with reference to the common boundaries.
- (b) <u>Coverage</u>: 75 %
- (c) Height: 3 storeys.
- (d) Parking: 1 parking bay on the site for each 100 m" coverage, or part thereof, up to 1500 m", and thereafter 1 bay for each 200 m", or part thereof, and 25 % of all such bays shall be reserved specially for visitors.
- (e) <u>Loading facilities on site</u>: 1 loading bay for the first 250 m<sup>o</sup> of coverage, plus 1 bay for the next 250 m<sup>o</sup>, plus 1 bay for the next 500 m<sup>o</sup>, plus 1 bay for each 1 000 m<sup>o</sup> thereafter.

#### 10.11 LU: **NOXIOUS INDUSTRIAL**:

IM:

10.11.1 ND: Noxious trade

10.11.2 SD: None

10.11.3 RD:

#### (a) Building lines:

(i) Street: 3 m, but if the street is less than 15 m wide, the Council shall acquire a strip of land along the street from the owner of the erf, in width equal to the difference between 7,5 m and the actual distance between the centre line of the street and the existing street boundary, in which event the building line shall be 3 m from the new street boundary;

- (ii) lateral: the erf boundary, except where there should be servitude reserves for municipal services along the boundary;
- (iii) rear: the erf boundary, except where there should be servitude reserves for municipal services along the boundary; and
- (iv) where an industrial erf bounds on a residential or business erf, the building lines prescribed for the latter two classes of erven shall also apply to the industrial erf with reference to the common boundaries.
- (b) <u>Coverage</u>: 75 %
- (c) <u>Height</u>: 3 storeys.
- (d) Parking: 1 parking bay on the site for each 100 m" coverage, or part thereof, up to 1500 m", and thereafter 1 bay for each 200 m", or part thereof, and 25 % of all such bays shall be reserved specially for visitors.
- (e) <u>Loading facilities on site</u>: 1 loading bay for the first 250 m" of coverage, plus 1 bay for the next 250 m", plus 1 bay for the next 500 m", plus 1 bay for each 1 000 m" thereafter.

#### 10.12 LU: WINE INDUSTRY:

IM:

#### 10.12.1 ND:

Wine Industry, including accommodation for supervisory staff, where necessary, as well as a point of sale.

10.12.2 SD: None

#### 10.12.3 RD:

#### (a) Building lines:

- (i) Street: 3 m, but if the street is less than 15 m wide, the Council shall acquire a strip of land along the street from the owner of the erf, in width equal to the difference between 7,5 m and the actual distance between the centre line of the street and the existing street boundary, in which event the building line shall be 3 m from the new street boundary;
- (ii) lateral: the erf boundary, except where there should be servitude reserves for municipal services along the boundary;

- (iii) rear: the erf boundary, except where there should be servitude reserves for municipal services along the boundary; and
- (iv) where an industrial erf bounds on a residential or business erf, the building lines prescribed for the latter two classes of erven shall also apply to the industrial erf with reference to the common boundaries.
- (b) <u>Coverage</u>: 75 %
- (c) <u>Height</u>: 3 storeys.
- (d) Parking: 1 parking bay on the site for each 100 m" coverage, or part thereof, up to 1500 m", and thereafter 1 bay for each 200 m", or part thereof, and 25 % of all such bays shall be reserved specially for visitors.
- (e) <u>Loading facilities on site</u>: 1 loading bay for the first 250 m" of coverage, plus 1 bay for the next 250 m", plus 1 bay for the next 500 m", plus 1 bay for each 1 000 m" thereafter.

#### 10.13 LU: INSTITUTION:

IM:

10.13.1 ND: Institution

10.13.2 SD:

- (a) Gathering place
- (b) Any hospital, sanatorium, clinic or institution for the treatment of infectious or contagious diseases, or for the detention or treatment of persons who are mentally deficient or ill.

#### 10.13.3 RD:

- (a) Building lines: 9 m from any boundary.
- (b) Coverage: 50 %
- (c) <u>Height</u>: 5 storeys.
- (d) Parking: As required by the Council.

### 10.14 LU: **EDUCATIONAL INSTITUTION**:

IM:

10.14.1 ND: Educational Institution

10.14.2 SD:

Any development of which the Council may approve which is related to educational institution.

#### 10.14.3 RD:

Rules of development shall be determined by the Council according to the specific nature of each development.

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IM:

#### 10.15.1 ND:

Any buildings or structures normally required for university purposes, but excluding purposes of an industrial character.

10.15.2 SD: None

#### 10.15.3 RD:

- (a) Building lines:
  - (i) administration and academic buildings: 9 m from all boundaries; and
  - (ii) hostels: as for blocks of flats.
- (b) <u>Coverage</u>:
  - (i) administration and academic buildings: 50 %; and
  - (ii) hostels: 25 %.
- (c) <u>Height</u>: 5 storeys.
- (d) Parking:
  - administration and academic buildings: 1 bay for every office and 1 bay for every 25 seats in lecture and other halls; and
  - (ii) hostels: 1 bay for every 2 beds.
- (e) Floor factor: hostels: 0,75.

# 10.16 LU: **PLACE OF WORSHIP**:

IM:

10.16.1 ND: Place of worship as defined in section 1.

10.16.2 SD: None

10.16.3 RD:

- (a) <u>Building lines and coverage</u>: As prescribed in the use zone institution.
- (b) Height: As required by the Council.
- (c) Parking: 1 parking bay for every 10 seats, with a minimum of 15.

# 10.17 LU: PUBLIC OPEN SPACE:

IM:

- 10.17.1 ND: Public Open Space
- 10.17.2 SD: None
- 10.17.3 RD:

No building or structure shall be erected or use practised except such as is compatible with "public open space" as defined in section 1.

#### 10.18 LU: **PRIVATE OPEN SPACE**:

IM:

#### 10.18.1 ND:

Private Open Space and any development of which the Council may approve which is directly related to private open space.

10.18.2 SD: None

# 10.18.3 RD:

No building or structure shall be erected or use practised except such as is compatible with "private open space" as defined in section 1.

#### 10.19 LU: LOCAL AUTHORITY:

(a) General:

IM:

(b) Existing streets:

IM:

	(c) <u>Cemetery</u> .						
	IM:						
	(d) Public parking area:						
	IM:						
	(e) <u>Agriculture</u> :						
	IM:						
10.20	LU: <b>GOVERNMENT</b> :						
	IM:						
10.20.1	ND:						
	Any development upon which the Council and the other party may agree.						
10.21	LU: <b>UNDETERMINED</b> :						
	IM:						
10.21.1	Existing uses may be continued unchanged, but before any further development or alteration can be undertaken, the future use must first be determined and the erf rezoned accordingly.						

10.22 LU: SPECIAL ZONE:

IM:

- 10.22.1 ND: Special usage as defined in section 1.
- 10.22.2 If special factors justify the creation of a new zone on the zoning map for a site or sites without justifying the creation of a new zone in the scheme regulations, the land concerned shall be zoned as a special zone on the zoning map. Every such portion of land which is zoned as a special zone and in respect of which the land use restrictions differ from those of other land which has been zoned as such shall be given a separate number on the zoning map (from 1 onwards), and each number, with the accompanying land use restrictions, shall be described as a separate special zone in an annexure to these scheme regulations. A special zone may consist of different portions of land, provided that the land use restrictions are the same.

#### 11 HEIGHT RESTRICTIONS PERTAINING TO ALL CLASSES OF BUILDINGS

- 11.1 Whenever reference is made elsewhere in this by-law to the height of a building in terms of storeys, the maximum permissible height for the various storeys will be 4 m for the ground storey and 3 m for each additional storey.
- 11.2 Conversely, a building shall be deemed to consist of such a number of storeys as calculated on the abovementioned basis in relation to the actual height, irrespective of the fact that the building actually may contain a lesser number of storeys.

#### 12 TITLE DEED CONDITIONS

Nothing in this regulations, and no consent given in terms of this regulations, may be construed as permitting any person to do anything which is in conflict with the conditions registered against the title deed of the land.

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#### **ANNEXURE A**

# RULES FOR THE CONTROL OF BUILDING CONSTRUCTION IN THE HISTORICAL CENTRE OF STELLENBOSCH

- 1. The purpose of these rules is to ensure that the historical centre of Stellenbosch, and more particularly Dorp Street, will retain its unique character by the preservation of:
  - (a) existing old buildings of historical or aesthetic significance;
  - (b) the existing building lines; and
  - (c) the oak trees already proclaimed as national monuments;

and by the control of building design and building lines in the case of new buildings on erven hitherto not built upon and also in the case of existing buildings to be replaced, altered or extended.

- 2. Any person who lodges an application for the approval of a building plan for any erf in the demarcated historical centre, (refer to the zoning scheme plan) may be required by the Council to furnish evidence, to its satisfaction, that the construction project contemplated will not be in conflict with the intent of these rules, having due regard generally to the character of the street in which the erf is located as a whole, and more specifically to the particular locality in which the structure is to be erected.
- 3. These rules shall apply to all sites in the said area up to a depth of fifteen meters measured from the street boundaries in addition to any other requirements prescribed elsewhere in this by-law.
- 4. For the purpose of these rules, the expression "building construction work" includes the erection of new buildings, and the extension, renovation, or alteration of existing buildings.
- 5. Subject to the provisions of the municipal building by-laws in force for the time being, no building construction work shall be permitted in the said area unless the external architectural design and style, colour scheme, facing material and general appearance of the building have been specifically approved by the Council, for which purpose general principles may be formulated by the Council by resolution.
- 6. Normally no building shall be allowed which is higher than 10 m from the mean ground level to the wallplate, and special approval by the Council must be obtained for any higher building.
- 7. In the case of the alteration or extension of an existing building, the erection of a new building on a site or portion of a site which previously was vacant, or in the case of the replacement of an existing building, the Council may in each case prescribe a building line, having regard to the protection of any trees within the street boundaries, and also to the building line generally observed in the vicinity.
- 8. The Council may withhold its consent for an alteration or extension of a building if it results in an increased height of the structure and if such increased height

would in the opinion of the Council, interfere with the growth of any tree within the street boundaries, or if it would necessitate the pruning or removal of any portion of the tree or its branches.

9.1 The lay-out of a parking area on a site and the points of access and exit must be shown on a plan to be submitted to the municipality, and the Council may approve or disapprove thereof or prescribe further conditions as it may deem fit.

- 9.2 A parking area on a site must be properly constructed to the satisfaction of the Council.
- 10.1 Except for advertising signs approved by the Council, projections over street boundaries shall be limited to minor architectural features.
- Balconies encroaching on the street area shall only be built with the special permission of the Council, subject to such conditions as it may deem necessary.
- 11. Restrictions in regard to general residential buildings in general residential zones may be relaxed by the Council if compliance with them would seriously prejudice the aims of these rules.
- 12. In the case of an existing building deemed by the Council worthy of preservation by reason of its historical or architectural significance, no permission shall be granted for its demolition or alteration except by special resolution of the Council.
- 13. For the purpose of clause 5 of these rules, the following general principles are prescribed by the Council:
  - (a) plate-glass show windows in shops and similar buildings must be in such sections interrupted by wall structures as may be required by the Council;
  - (b) for residential or office buildings the proportion of wall space to windows and doors must be specially approved by the Council;
  - (c) water tanks and such attachments must not be visible from the street front;
  - (d) face bricks must not be used externally for the street facade of the building;
  - (e) plastered walls must preferably be white or off-white in finish;
  - (f) outside woodwork, if painted, must preferably be in green, brown or black;
  - (g) piping or guttering must be painted in the same colour as the background; and
  - (h) roofing, if visible, must be black.

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#### **ANNEXURE C**

### **DEVELOPMENT RULES PERTAINING TO SPECIAL ZONES**

1. SPECIAL ZONE 1: TECHNOLOGY OR SCIENCE PARK.

#### 1.1 **Definition**

In this annexure "technopark" means a technology or science park development where enterprises associated with research, development, design and related activities in the high-technology sector are accommodated in a park-type work environment which is specifically created for the industrial needs of the enterprises concerned.

## 1.2 Normal Development (ND)

- (a) Laboratories, offices and other facilities for research, development, design, testing and consultation by any individual, corporation, partnership, business association or any other type of organisation, whether public or private.
- (b) Production and assembly of prototype products but only on a scale necessary for the completion of research in connection with the product.
- (c) Pilot plants in which planned processes or products are investigated, tested and assembled with a view to production elsewhere.
- (d) Professional and commercial services directly associated with and primarily geared towards activities referred to in paragraphs (a) to (c) above, for example banking facilities, personal services, post office, day-care centre, sports and health facilities, food services and training centres.
- (e) Conference centres and administrative offices needed for the running of the technopark.
- (f) Incidental operations required for the maintenance of the facilities referred to in paragraphs (a) to (e) above, such as maintenance workshops, power plants and effluent treatment.
- (g) Facilities for light manufacturing and/or the assembly of products that require a high level of skills in the high-technology sector, result in regular liaison with the research and design personnel and require mainly highly skilled personnel.

# 1.3 **Special Development (SD)**

Any other usage which is incidental to the aforementioned character of the technopark.

# 1.4 Rules for Development (RD)

(a) Nuisance and safety regulations:

- (i) No building shall be used for the manufacture, storage, distribution or sale of any product or item which increases the fire hazard to any other improvement or erf in the environment.
- (ii) No business shall be allowed which constitutes a nuisance by the emission of smoke, gases and effluvia which could reasonably be expected to be injurious to products or persons in the technopark.

- (iii) No building shall be erected which is in contravention of the laws of the Republic of South Africa or the building regulations of the Municipality of Stellenbosch or the ordinances of the Province of the Cape of Good Hope.
- (iv) The storage of material or the use of equipment or research processes which may cause vibrations beyond the boundaries of the erf upon which such equipment or processes occur, shall not be allowed.
- (v) Except with the consent of the Council, the storage of explosives shall not be allowed in the technopark.

### (b) <u>Coverage</u>:

- (i) Erf coverage, including all improvements such as parking areas and buildings, shall not exceed 75 % of the gross erf area.
- (ii) Building coverage shall not exceed 30 % of the gross erf area; provided that, with the consent of the Council, 40 % building coverage shall be allowed on erven of less than 3 000 m".

# (c) Building height:

- (i) No building shall exceed a height of two storeys; provided that, with the consent of the Council, a three-storey building shall be allowed on condition that such building does not exceed a height of 11 m, measured from the ground floor level to the wall plate.
- (ii) With the consent of the Council, architectural projections and/or roofs exceeding the 11 m height restriction shall be allowed on condition that such projections and/or roofs do not constitute a storey which forms a functional part of the floor space of the building.

# (d) Parking:

One parking bay for every 30 m" of gross floor space of the building.

#### (e) Aesthetics:

The Council shall retain the right to lay down directives pertaining to the aesthetic appearance of buildings and the use of materials, textures and colours for the exterior finishing which factors may affect the appearance of the technopark.

#### (f) General:

These rules of development shall be supplemented by a development plan with development guidelines specifically prepared for the technopark which shall be binding on all developers in the discretion of the Council.

#### 2. SPECIAL ZONE 2: MIXED USES

# 2.1 Normal Development (ND)

One dwelling unit as defined in section 1 of the scheme regulations.

# 2.2 Special Development (SD)

Light industry, service industry, warehouse, workshop and related business.

# 2.3 Rules for Development (RD)

# (a) Building lines:

(i) Street: 2 m

- (ii) Lateral and rear boundaries : 1 m, subject to the provisions of section 10.2.3(a)(ii) of the scheme regulations.
- (b) Coverage: 75 %

#### (c) Height:

2 storeys (or 7 m measured from the ground floor level to the wall plate).

### (d) Parking:

At least 1 parking bay for every 50 m" (or part thereof) of the non-residential floor space, subject to a minimum of 4 parking bays per erf, of which 1 parking bay may be reserved for the use of the residents of the dwelling-house on the erf.

#### (e) Special requirements:

- (i) A dwelling-house shall be built on the erf and shall form part of the activities on such erf. The location of the non-residential uses on the erf shall be to the satisfaction of the Council.
- (ii) The non-residential floor space shall not exceed 80 % of the total floor space of the buildings on the erf.
- (iii) A private outer space with an area of at least 60 m<sup>-</sup> and a minimum width of 3,5 m shall be provided on the erf for the use of the residents of the dwelling-house on the erf.
- (iv) No uses on the erf shall be of an environmentally pollutant nature.
- (v) Any business activities shall be directly related and subsidiary to the uses which are carried out on the erf.
- (vi) No activity which in the opinion of the Council may create a nuisance to the neighbourhood, shall be allowed at the following times:
  - Sundays, Good Friday and Christmas;

- before 07:00 or after 17:00 on Saturdays; and
- before 07:00 or after 18:00 on any other day.
- (vii) The capacity of any electrically driven machine shall be restricted as defined in the definition of "light industry" in section 1 of the scheme regulations.
- (viii)The Council may in its discretion lay down further requirements.

# (f) Advertisements:

No name or advertising sign shall be erected on the propert, exept one shich complies with the Council's approved "Guidelines for the design and contrl of signs".